IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 6099 of 1998

Between:

YGK Prasad S/o. Y. Brahma Rao
r/o. 8-3-231/B/144, Sri Krishna Nanagar, Yousufguda,
Hyderabad-45.

..... PETITIONER

AND

The A.P.State Co-operative Bank rep. by its Managing Director,
Troop Bazar, Hyderabad-500 001.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any appropriate writ, order or direction (a) holding that the order of the Respondent Bank, dt. 24-1-1998 in reference No.Estt/Legal/L.4/8695 as null and void with a further direction mandating the Respondent Bank to re-fix the basis pay of the Petitioner based on the bipartite agreement entered into between the A.P. State Co-operative Bank Officers Association and the Management of the Bank and the Pillai Committee Recommendations from the year 1981 at Rs.1000/- and direct the Respondent Bank to pay the arrears forthwith with interest at 18% per annum.

Counsel for the Petitioner:MR.NUTY RAM MOHAN RAO

Counsel for the Respondent: MR.M.V.K.VISWANADHAM/ Mr.D.S.N.V.PRASAD BABU

The Court made the following :

ORDER:

This Writ Petition is filed seeking a Mandamus declaring that the order passed by the respondent-Bank, dated 24.1.1998 in file No.Estt/Legal/L.4/8695, as arbitrary and illegal and for consequential direction to the respondent-Bank to re-fix the pay of the petitioner based on the bipartite agreement entered into between the A.P. State Co-operative Bank Officers' Association and the Management of the Bank and the Pillai Committee recommendations from the year 1981 at Rs.1000/- and to direct the respondent-Bank to pay the arrears forthwith.

It is the case of the petitioner that he was appointed as a clerk in the respondent-Bank on 18.10.1975 with the basic pay of Rs.170/-. On 18.10.1976 he was given annual increment of Rs.10/- and on 18.10.1977 he was given another annual increment of Rs.10/-. In the month of January, 1978, the petitioner was given two increments for post graduate qualification and his basic pay became Rs.213/-. On 18.10.1978 he was given another annual increment of Rs.13/- and his basic bay has become Rs.226/-. On 18.10.1979 he was given another annual increment at Rs.14/- making his basic pay Rs.240/-. While so, the scales of Staff Assistants were revised in the year 1990. Consequent to the revision, the basic pay of the petitioner became Rs.455/- in the revised pay i.e. the corresponding basic pay in the revised time scale of pay. Further, the petitioner was given two increments in the month of June, 1980 for family planning and he was also given two more increments for holding graduate qualification, in the same month and his basic pay has become Rs.580/- in the new revised pay scales. Thereafter, the petitioner was given further annual increment of Rs.40/- on 18.10.1980 making his basic salary Rs.620/-. While so, the petitioner was promoted to Grade-III Officer's post with effect from 1.9.1981 and since the post was not existing in any nationalized bank, the same was re-categorised as Grade-II Officer post. According to the petitioner, though he was promoted to Grade-III officer post in 1981 and to Junior Management Grade scale-I in 1982, he was given only the clerical time scale of pay. In November, 1981 the

basis pay of the petitioner was Rs.660/- and in November, 1982, his basic pay was Rs.705/-, however, the respondent bank chose to pay only the clerical time scale of pay to the petitioner though he was promoted twice as an officer. Consequent to promotion to Grade-II Officer category, the basic pay of the petitioner ought to have been fixed at Rs.800/- on the same analogy of pay fixation procedure followed in Pillai Committee Recommendations for Junior Management Grade Scale-I in nationalized banks as per the bipartite agreement of Officers' Association, dated 13.11.1980. It is stated that as mentioned in Pillai Committee Recommendations, the clerks, on promotion to Junior Management Grade Scale-I, who were drawing basic pay of Rs.485/- and above, will draw their next increment in the officer's scale on the anniversary date of his last increment in the clerical grade and thereafter will draw his further increments every year on the same date and in view of the said recommendations of the Pillai Committee, the scale of the petitioner would become Rs.860/- from 1.10.1981 and basic pay from 1.10.1982 in the Grade-III Officer's scale should have been Rs.920/-. It is alleged that the respondent-Bank has not followed such a course of action; they have not followed the recommendations of the Pillai Committee, and they have not taken into consideration the two promotions earned by the petitioner and on the other hand, his juniors were drawing more salary than him.

A detailed counter-affidavit has been filed by the respondent-Bank denying the allegations made by the petitioner.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the material available on record.

At the out set, I am of the opinion that the petitioner has not made out any ground to interfere with the impugned order passed by the respondent-Bank. The simple case of the petitioner is that as per the recommendations of the Pillai Committee and as per the bipartite agreement of Officers' Association, the case of the petitioner ought to have been taken up for the purpose of fixing his pay scale. Whereas, in the counter affidavit filed by the respondent-bank it is asserted that the pay fixation of promotee employees was governed by Regulation 18(b) of the Staff Service Regulations. The pay fixation in terms of the Pillai Committee Recommendations for Junior Management Grade, as contended by the petitioner, was not made applicable to the Officers of the respondent-Bank during the time of promotion of petitioner in 1981 and 1982. The terms of pay fixation as laid down

under Regulation 18(b) was modified subsequently and the same have come into existence with effect from 1.7.1983 with the approval of the Registrar of Cooperative Societies. Even the said revised/modified pay fixation procedure was not in terms of recommendations of Pillai Committee. It was further asserted that the Pillai Committee recommendations were not followed in toto. The Pillai Committee recommendations on the lines mentioned by the petitioner were not in vogue in the respondent-Bank nor agreed upon to be implemented under any agreement between the Management of the Bank and the Officers Association. The contention of the petitioner that he ought to have been paid basic pay of Rs.900/- from 1.11.1981, Rs.950/- from 1.10.1982 and Rs.1000/- from 1.11.1982 is denied. It is stated that the absorption of services of Junior Officer Grade-III into Junior Officers Grade-II cannot be treated on par with promotion and pay fixed according to 18(b), which is applicable only at the time of promotion and not on account of absorption, and the said abolition and absorption was a one time affair to meet the demand of the Officers Association of the Bank.

Admittedly, in this case, when the petitioner was promoted to the post of Junior Officer Grade-III it was realized by the Bank that there was no such post available and hence, the same was converted into Junior Officer Grade-II and the petitioner was absorbed against the said vacancy. It is to be seen that the Pillai Committee recommendations were not adopted by the respondent-Bank in toto. Only the procedure and norms, as suggested by the Pillai Committee for the purpose of fitment of fixation of pay, were supposed to be followed and in fact, they were followed with effect from 1.7.1983. The bipartite agreement entered into between the A.P. State Cooperative Central Bank Officers Association and the Management of the Bank is nothing to do with the service conditions of staff of the respondent-Bank. It is not the case of the petitioner that the bipartite agreement was totally applicable through any resolution passed by the respondent-Bank. From the above, it is clear that Pillai Committee recommendations are not applicable and were not adopted by the Bank and the memorandum of settlement arrived at between the Management of the Bank and the Officers Association is applicable to the service conditions of the staff. The only inspiration for the petitioner in raising the dispute seems to be the proceedings of the respondent-Bank, dated 13.11.1980, in which, under the heading of ‘fitment’ it is mentioned “the fitment in the new scale shall made according to the norms and procedures suggested in the Pillai Committee recommendations and

followed by Nationalised Banks." Except this, there is no other inspiring factor to consider the case of the petitioner. As noticed supra, the service conditions of the petitioner were governed by Regulation 18(b) of Staff Service Regulations till 30.6.1983 and from 1.7.1983 the norms and procedures suggested by the Pillai Committee were followed and the salary of the petitioner was fixed accordingly. Therefore, the petitioner has not made out any ground to interfere with the impugned order passed by the respondent-Bank.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

_____ C.V.RAMULU, J

04th JULY, 2005

tsr.

To

1. The Managing Director, A.P.State Co-operative Bank,
   Troop Bazar, Hyderabad-500 001.

2. 2 C.D. copies